

PUBLIC NOTICE



**US Army Corps
of Engineers
Kansas City District**

**Permit No. 200602355
Issue Date: August 16, 2006
Expiration Date: August 31, 2006**

15-Day Notice

JOINT PUBLIC NOTICE: This public notice is issued jointly with the Missouri Department of Natural Resources, Water Pollution Control Program. The Department of Natural Resources will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenter's are requested to furnish a copy of their comments to the Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102.

This Public Notice is available for public/agency review and comment on the Kansas City District Regulatory Branch website at:

http://www.nwk.usace.army.mil/regulatory/public_notices.htm.

The FONSI, EA and NEPA/404 CWA Review documents can be found on the Kansas City District Corps of Engineers website at:

<http://www.nwk.usace.army.mil/RiverCharts/RiverCharts.htm>

APPLICANT: Kansas City District, Corps of Engineers
700 Federal Building
601 E. 12th Street
Kansas City, Missouri 64106-2896

PROJECT LOCATION (As shown on the attached drawings): The project is located in the Missouri River at river miles 160.8 to 161.0 on a portion of dike 168.6 and on a new rootless dike at river miles 160.8 and 161.0 respectively. These structures form a small portion of the navigation channel located between Jefferson City and Columbia, on Eureka Bend, adjacent to Marion Bottoms Conservation Area, Cole County, Missouri.

AUTHORITY: The Rivers and Harbors Act of 1912 first authorized the Missouri River Bank Stabilization and Navigation Project from Kansas City to the mouth. The Rivers and Harbors Act of March 2, 1945 modified the previous authorizations to provide for a navigable channel 9 feet deep and 300 feet wide between Sioux City and the mouth. The after-the-fact repair work would be authorized pursuant to Section 404 of the Clean Water Act (33 USC 1344), complying with regulations found at 33 CFR parts 335 through 338 and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403).

ACTIVITY/ AFTER-THE-FACT WORK: The U.S. Army Corps of Engineers (USACE) Kansas City District completed emergency structure maintenance to restore commercial barge navigation to the Missouri River at miles 160.8 to 161.0 in order to maintain an unobstructed channel for safe navigation. The completed work occurred on or about July 29, 2006. The Corps repaired the sill portion of dike 168.6 and constructed a new rootless stone dike at Missouri River miles 160.8 and 161.0 respectively within the waters of the Missouri River. The new dike was rootless, 235 feet long and consisted of approximately 4,500 tons of quarried limestone. The repaired sill portion of dike 168.6 was 110 feet long. Construction was done from a barge from the waters of the Missouri River. Newly quarried limestone rock was pushed off a barge by dozer and/or placed by dragline. No equipment worked within the substrate of the shallow waters of the Missouri River, within any wetland, or on dry land. The Corps determined that repair of existing dikes 168.5 and 168.6 would not sufficiently affect the major shoaling area. However, construction of the new rootless dike at mile 161.0 in conjunction with the repair of the sill on dike 168.6 would shift more water into the navigation channel allowing shallow water habitat and sandbar to replace the deeper water that presently exists below these structures.

WETLANDS: No Wetlands are present within the construction area.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) OF 1968, as amended: The Corps of Engineers implemented the emergency provisions in NEPA and Section 404 of the Clean Water Act to proceed with completing the project. After informally consulting with the U.S. Fish and Wildlife Service, a determination was made that the project would not result in significant degradation of the human environment; and therefore, the project would support a Finding of No Significant Impact (FONSI). The Corps will utilize comments received in response to this Public Notice to complete its evaluation of the project for compliance with the requirements of NEPA, and other Federal, state, and local regulations. The Corps has made a preliminary determination that the project would not be contrary to the public interest and is in compliance with the Section 404(b)(1) Guidelines.

MAP AND DRAWING: The attached map and drawing provide location and site details of the completed project.

PROPERTY ADJACENT TO PROJECT AREA: The Missouri Department of Conservation (Marion Bottoms Conservation Area) is the adjacent property owner and would not be affected by the completed work.

CULTURAL RESOURCES: The project has been reviewed in compliance with the National Historic Preservation Act of 1966 (Public Law 89-665) including a check of the National Register of Historic Places (NRHP) and supplements thereto. No properties listed, proposed for listing, or eligible for listing in the National Register were identified in the project area. Furthermore, our evaluation of potential impacts to historic properties indicates that the project would not impact any properties listed, proposed for listing, eligible for listing, or potentially eligible for listing in the (NRHP). Pursuant to Section 106 of the National Historic Preservation Act, the Kansas City District has reviewed the

historic channel and shipwreck maps and determined that no Historic Properties were affected by the project. One shipwreck, the Orion (1864), is recorded to the northwest of the project, but well outside the current project area. Because the project area is within the present day Missouri River channel and no shipwrecks or NRHP sites are recorded within the proposed area, it is unlikely that the project would impact archeological sites or historic structures. In light that all construction work associated with the emergency repairs occurred on an existing dike and/or within the Missouri river itself, the Corps is recommending no further investigations be conducted. The Kansas City District will coordinate the project with the State Historic Preservation Officer, and will take into consideration any information from affiliated Native American tribes, or the public, on any sites or traditional cultural properties that may be of concern.

ENDANGERED SPECIES: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work may affect, but is not likely to adversely affect, species designated as threatened or endangered or adversely modify or destroy critical habitat. The U.S. Fish and Wildlife Service was initially coordinated with by phone and e-mail and commented that they have no objections to the project provided a rootless dike is constructed. In order to complete our evaluation of this activity, comments are being solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army authorization can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision to issue authorization will be based on an evaluation of the probable impact including the cumulative impacts of the after-the-fact activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety,

food and fiber production, mineral needs and, in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (33 USC 1344). The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this after-the-fact activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny an authorization for this action. To make this decision, comments are used to address impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in preparation of an Environmental Assessment pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the completed activity.

COMMENTS: This notice is provided to outline details of the above-described activity so this District may consider all pertinent comments prior to determining if issuance of an authorization would be in the public interest. Any interested party is invited to submit to the Corps of Engineers, Kansas City District, written facts or objections relative to the activity on or before the public notice expiration date. Comments both favorable and unfavorable will be accepted and made a part of the record and will receive full consideration in determining whether it would be in the public interest to issue the Department of the Army authorization. Copies of all comments, including names and addresses of commenter's, may be provided to the applicant. Comments should be mailed to the Kansas City District, Corps of Engineers and a copy furnished to the Missouri Department of Natural Resources as requested on page 1 of this public notice.

PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

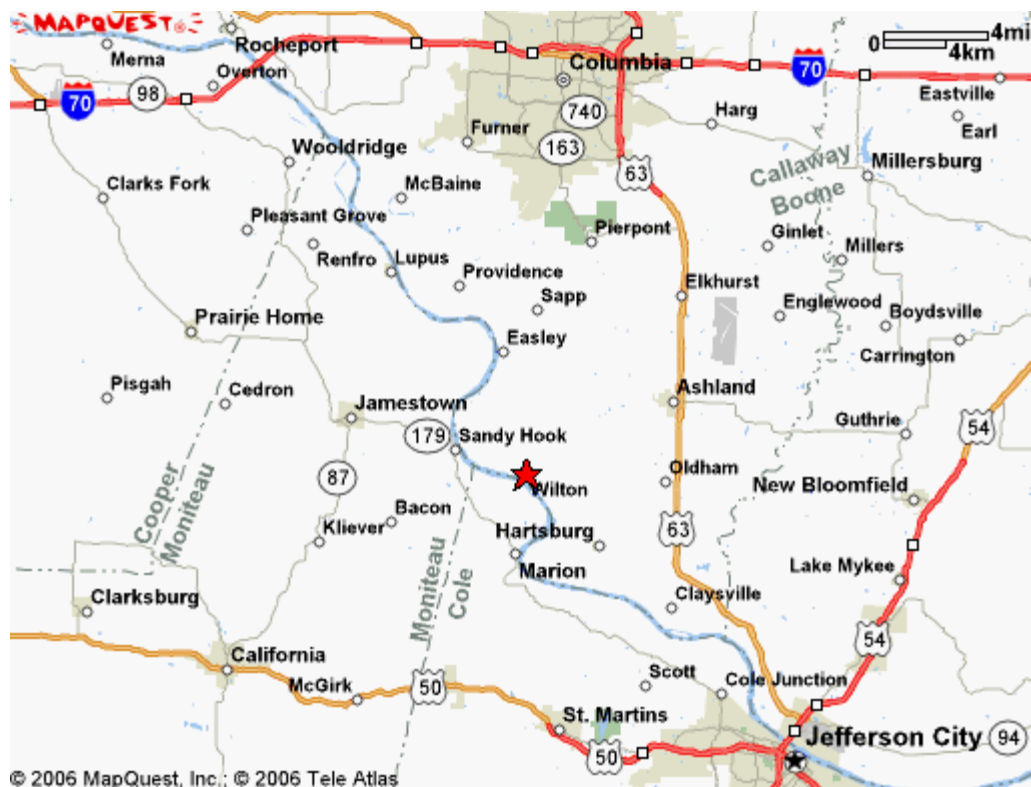
ADDITIONAL INFORMATION: Additional information may be obtained by contacting Mr. Galen Rasmussen, U.S. Army Corps of Engineers, Environmental Resources Section, 601 East 12th Street, Room 843, Kansas City, Missouri 64106, at telephone 816-389-3135, (FAX 816-389-2025) or via e-mail at galen.g.rasmussen@usace.army.mil. All comments to this public notice should be directed to the above address.

PRELIMINARY SECTION 404(b)(1) EVALUATION REPORT
PUBLIC NOTICE NO. 200602355

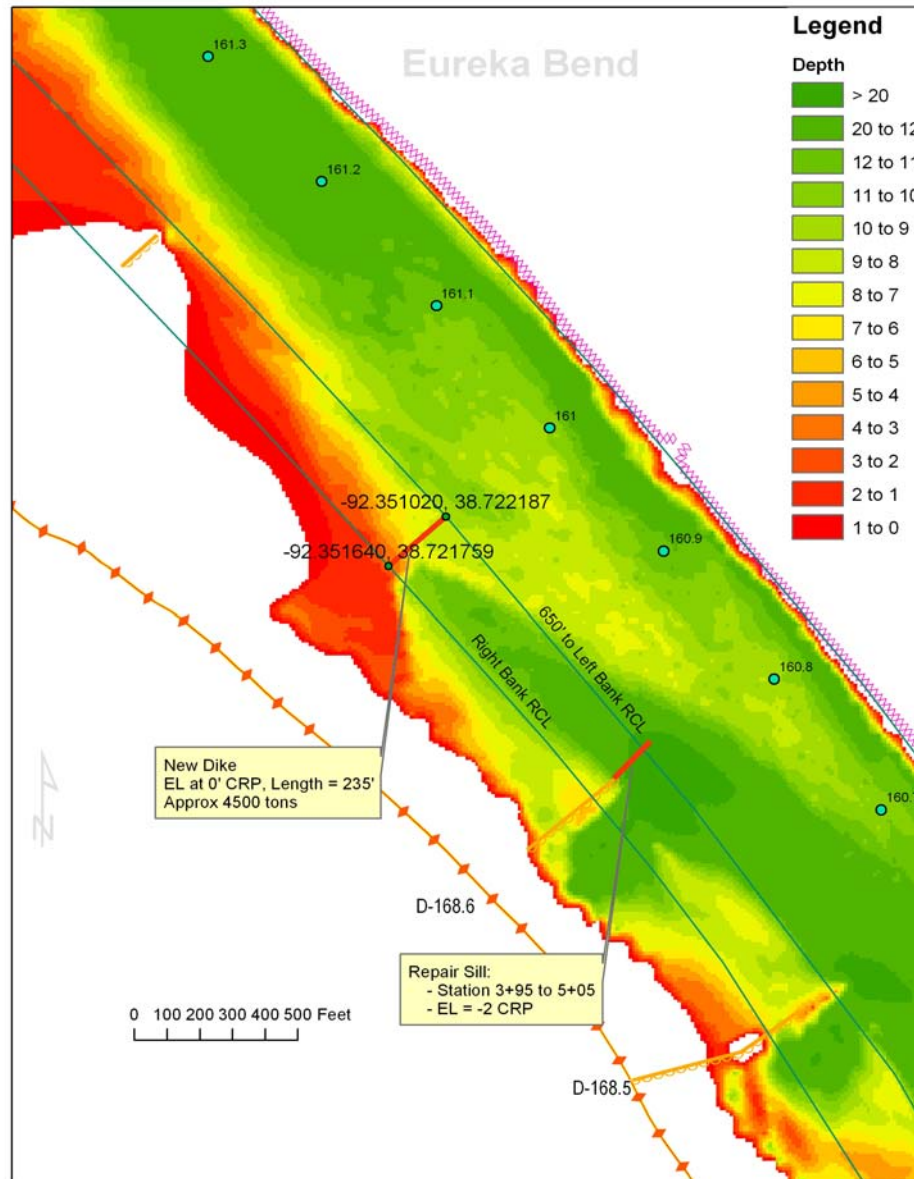
	YES	POTENTIAL EFFECTS	NO
I. Physical Effects A. Potential destruction of wetlands..... B. Impact on water column..... C. Covering of benthic communities.....		X X	X
II. Chemical-Biological Interactive Effects A. Adverse effect of chemical constituents on water column..... B. Adverse effect of chemical constituents on benthos			X X
III. Applicable Water Quality Standards A. Will activity be in conformance with applicable standards?.....	X		
IV. Selection of Disposal Sites A. Impacts of fill material on chemical, physical, and biological integrity of aquatic ecosystem..... B. Have the needs for the proposed activity been considered?..... C. Have alternatives been considered?..... D. Impacts on water uses at the proposed disposal site	X X X	X X	
V. Contamination of Fill Material A. Contamination of fill material if from a land source.....			X
VI. Mixing Zone A. Have mixing zone determinations been established for each disposal site?.....			X
VII. Impacts to Navigation A. Impairment to maintenance of navigation. B. Economic impact on navigation and anchorage.....			X X
VIII. Public Participation and Coordination A. Will a public interest review be conducted?.....	X		

PROJECT LOCATION MAP

The Emergency Navigation Structure Repair Location is at the star, Missouri River Miles 160.8 to 161.0 on Eureka Bend, Adjacent to Marion Bend Conservation Area, Cole County, Missouri



EMERGENCY NAVIGATION STRUCTURE SITE DRAWING



Shoaling, Water depths and After-the-fact Sill Repair and New Dike Construction at Eureka Bend, Adjacent to Marion Bottoms Conservation Area, River Miles 160.8 to 161.0 .

(Note that Repair of Existing Dikes 168.5 and 168.6 would not sufficiently affect the major shoaling area. However, construction of the new rootless dike at mile 161.0 in conjunction with the repair of the sill on dike 168.6 would shift more water into the navigation channel allowing shallow water habitat and sandbar to replace the deeper water that presently exists below these structures.)